



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: May 19, 2016  
MAHS Docket No.: 16-003528  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Michael J. Bennane**

### HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on [REDACTED] from Detroit, Michigan. The Petitioner was represented by Petitioner and her spouse, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] and [REDACTED] from the Office of Child Support (OCS).

### ISSUE

Did The Department properly calculate the Petitioner's Food Assistance Program (FAP) and deny her Medical Assistance (MA) application?

### FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On [REDACTED], Department sent the Petitioner a Verification Checklist (VCL) requesting various proofs due [REDACTED].
2. On [REDACTED], the Department sent the Petitioner a notice of case action informing her that her FAP benefits had been closed for failure to verify.
3. On [REDACTED], the Petitioner requested a hearing to protest the amount of her FAP benefits and the denial of her MA application.

## **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

### **The FAP Issue**

The Petitioner's FAP benefits decreased for a number of reasons. Members of the Petitioner's FAP group received increases in Supplemental Security Income (SSI) benefits, thus, reducing the Petitioner's FAP benefits.

### **The OCS Issue**

The OCS placed noncompliance on the Petitioner's benefits. The OCS office did attend the hearing, and the Petitioner was placed under oath and asked whether she had any further information about the father of her child that she had not already given to the OCS.

The Petitioner replied in the negative and said she did not even know the name of the man in question. The Department is ordered to lift the OCS sanctions and restore the Petitioner's benefits in accordance with Department policy.

### **The MA Issue**

The Petitioner applied for MA benefits, which were denied because the Petitioner failed to provide the verifications requested on [REDACTED], VCL. Petitioners are required to provide requested documentation to receive benefits from the Department. (BAM 130).

The Petitioner is encouraged to reapply for MA benefits.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed the Petitioner's FAP benefits, and denied the Petitioner's MA application.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

MJB/jaf



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**Michael J. Bennane**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

[REDACTED]

**Department Representative**

[REDACTED]

**Petitioner**

[REDACTED]

**cc:**

[REDACTED]